

DEBORAH M. SMITH
Acting United States Attorney

BRYAN SCHRODER
Assistant United States Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-1500
E-mail: bryan.schroder@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	Case No. 3:05-cr-106-JWS
)	
Plaintiff,)	<u>UNITED STATES'</u>
)	<u>PROPOSED VOIR DIRE</u>
v.)	<u>QUESTIONS</u>
)	
JASON PAUL ONIS KING KIVI,)	
)	
Defendant.)	
_____)	

COMES NOW the United States of America and requests that the Court ask the following questions of the trial venire:

1. The defendant in this case is Jason Paul Kivi. Do any of you know him, or are you acquainted with the defendant or any member of the defendant's family?

a. If so, what is the nature of the relationship? Would the relationship tend to make you feel uncomfortable sitting on this case? Would the relationship affect your ability to sit as a fair and impartial juror in this case?

2. Do you know or have any relationship with any of the attorneys representing a party in this case?

a. If so, which attorney? What is the nature of that relationship?

3. Have you, a member of your family or friends ever worked for a lawyer who practices in the area of criminal defense? For law enforcement? For a lawyer who practices criminal prosecution?

4. Are you related to, or do you know anyone among the potential jurors here today?

a. Who? What is your relationship with that person?

b. If both of you were selected to be jurors in this case, would you be able to disagree with that person without your disagreement affecting your relationship?

5. Have any of you been closely associated with anyone who has been the subject of a legal action involving the United States or who has been prosecuted for any offense?

a. If so, what is your relationship with that person or persons?

b. What was the disposition of the case?

c. Do you think the disposition was fair and proper?

d. Was there anything about that proceeding that you found upsetting or troubling?

6. Have you or your friends, or any member of your family, ever experienced what you consider unfair treatment by law enforcement officers?

a. If so, would that experience in any way affect your ability to sit as a fair and impartial juror to consider the issues of this case?

7. Have you or any close friends or relatives been arrested for or been a victim of a crime within the last 10 years?

a. If so, would such an experience in any way affect your ability to sit as a fair and impartial juror to consider the issues of this case?

8. Have you ever served on a jury before? What kind of case, criminal or civil? Was there anything that the parties or witnesses did, that you found upsetting?

a. Was there anything about that experience that would affect your ability to sit as a fair and impartial juror in this case?

9. Are you employed, and by whom?

10. Have you ever written a letter to the editor? What was the topic? What was your opinion?

11. This case involves the alleged illegal use of firearms. Do any of you have strong feelings concerning the gun laws of the United States?

12. Do you agree that it is appropriate for the government to limit convicted felons from owning firearms?

13. You will be instructed that you are to arrive at your verdict without any consideration of what the penalty or sentence will be. Are any of you unable to consider the evidence and arrive at a verdict without considering the possible penalty or sentence?

14. Do you know of any reason why you may be prejudiced for or against the government, for or against any witness, or for or against the defendant, because of the nature of the charges or otherwise? In other words, can you think of any other matter you should call to the Court's attention that may have some bearing on your qualifications as a juror?

15. Do you have any opinions, religious beliefs, philosophies, or prejudices that would make you unable to come to a verdict in this case? For example, do you believe that no person should ever be judged or convicted? Do you believe that a person is guilty just because they are here in court?

16. Have you ever been part of any group advocating jury nullification?

17. I will advise you of the law you must apply in this case. Will you

be able to follow my instructions even though you may not agree with them?

(i.e., suppose after hearing my instructions, you decide you don't like them.

Will you be able to follow the law even though you disagree with it?)

18. Would jury service in this case, at this time, unduly interfere with your personal or business affairs?

19. Do any of you suffer from any type of physical condition or ailment that would make it extremely difficult or inconvenient as a juror to sit in consideration of this case?

20. Is there any other reason which may not have been touched upon by the Court in its questions to you which affect your ability to sit as a fair and impartial juror for each side in this case

RESPECTFULLY SUBMITTED this 21st day of February, 2006, at Anchorage, Alaska.

DEBORAH M. SMITH
Acting United States Attorney

s/ Bryan Schroder
Assistant United States Attorney
222 West Seventh Avenue, #9
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-1500
E-mail: bryan.schroder@usdoj.gov

I hereby certify that on February 21, 2006, a copy of the foregoing was served electronically on:

MJ Haden

s/ Bryan Schroder